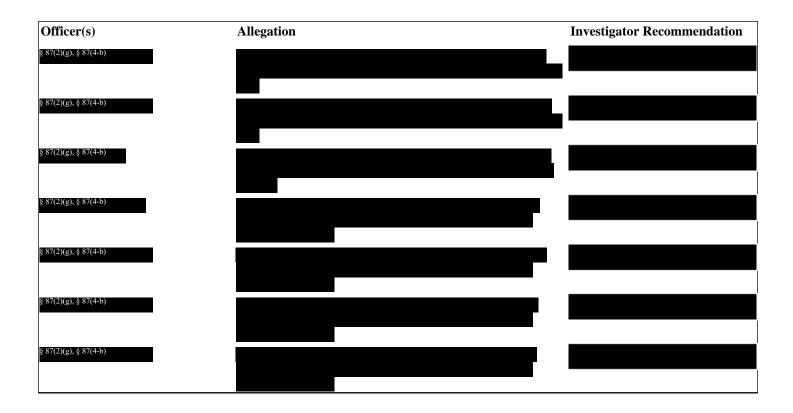
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	\checkmark	Discourt.	U.S.
Coleson Smith		Squad #13	202204599	V	Abuse	V	O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 N	10. SC	DL	Precinct:
Wednesday, 07/13/2022 7:20 PM		687 East 138th Street			1/1	3/202	4	40
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	e Rece	ived at CCI	RB
Thu, 07/14/2022 6:50 AM		CCRB	On-line website		Thu, 07/1	4/2022	2 6:55 AM	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. PO John Eller	30780	965069	040 PCT					
2. PO Eduard Lucero	12992	960838	040 PCT					
3. PO Stephen Oswald	01696	961985	040 PCT					
4. PO Felix Pichardo	16188	957956	040 PCT					
5. LT Michael Bowman	00000	939932	040 PCT					
6. PO Yoeldy Espinal	02470	963505	040 PCT					
Officer(s)	Allegatio	on			Inv	estiga	tor Recon	nmendation
A . PO John Eller		Police Officer John Eller		in				
B . LT Michael Bowman	which 887 Abuse: L which 887	ieutenant Michael Bowi	man stopped the veh	icle	in			
C . PO John Eller		Police Officer John Eller	-	§ 87(2) (b))			
D . PO Eduard Lucero		Police Officer Eduard Lu We remark to § 87(2)(6)	cero made a sexuall	y				
E . LT Michael Bowman	Off. Lang to § 87(2)(b)	guage: Lieutenant Micha based upon the g		ema	rks			
F . LT Michael Bowman		esy: Lieutenant Michael eously to §87(2)(b)	Bowman spoke					
G . PO John Eller	Discourte to § 87(2)(b)	esy: Police Officer John	Eller spoke discour	teou	ısly			
H . PO John Eller		Police Officer John Eller s to ^{§ 87(2)(6)}	threatened to issue					
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								



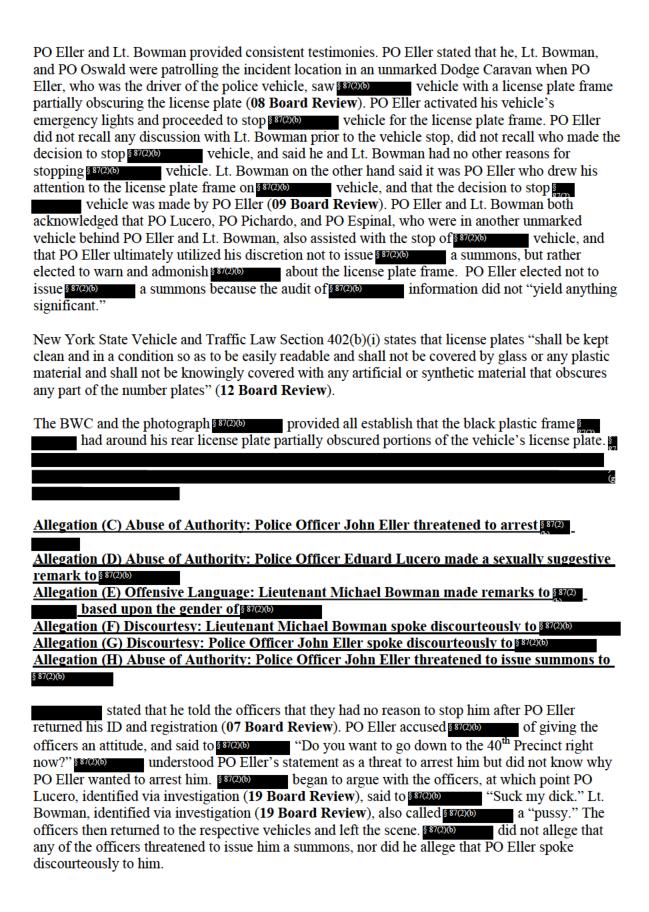
Case Summary

On July 14, 2022, \$5(2)(b) filed this complaint with the CCRB on behalf of himself. On July 13, 2022, at approximately 7:20 P.M., in the vicinity of 687 East 138th Street, in the Bronx, Police Officer John Eller and Lieutenant Michael Bowman stopped the vehicle in which was an occupant (Allegation A and B: Abuse of Authority: § 87(2)(g) PO Eller threatened to arrest \$87(2)(b) (Allegation C: Abuse of Authority: \$87(2)(g) Officer Eduard Lucero made a sexually suggestive remark to \$87(2)(6) (Allegation D: Abuse of Authority: § 87(2)(g) Lieutenant Michael Bowman made offensive remarks to \$87(2)(b) (Allegation E: Offensive Language: § 87(2)(g) and spoke discourteously to him (Allegation F: Discourtesy: § 87(2)(g) PO Eller then spoke discourteously to § 87(2)(b) (Allegation G: Discourtesy: \$87(2)(g) and threatened to issue him a summons (Allegation § 87(2)(g), § 87(4-b) H: Abuse of Authority: § 87(2)(g) Body worn camera (BWC) footage was obtained from PO Eller, PO Lucero, Lt. Bowman, and Police Officers Stephen Oswald, Felix Pichardo, and Yoeldy Espinal, all of the 40th Precinct (01-06 Board Review). No arrests or summonses resulted from the incident. **Findings and Recommendations** Allegation (A) Abuse of Authority: Police Officer John Eller stopped the vehicle in which was an occupant. Allegation (B) Abuse of Authority: Lieutenant Michael Bowman stopped the vehicle in which was an occupant. The following facts are undisputed. On July 13, 2022, at approximately 7 p.m., [87(2)(6)] driving a White 2020 Kia Forte sedan when he was stopped by six uniformed police officers from the 40th Precinct in front of 687 East 138th Street, in the Bronx. The officers, who were in two unmarked vehicles, activated their emergency lights and sirens, prior to stopping \$37(2)(6) vehicle, and ultimately pulled up in front of and behind \$37(2)(6) vehicle, respectively. The officers approached \$87(2)(b) vehicle's driver's and front passenger's sides, respectively. PO Eller, who was on the driver's side, ordered \$87(2)(b) to provide his license and registration, provided. PO Eller informed § 87(2)(b) that he was stopped because his license plate was obstructed, returned \$87(2)(b) ID and registration, and said \$87(2)(b) free to leave. \$87(2)(b) did not receive a summons as a result of this incident. stated that the vehicle was registered in his name, that there was a male occupant, whom he only described as a relative, in the front passenger's seat, and did not recall whether his vehicle's license plates were obstructed (07 Board Review). He, however, provided a photograph of his rear license plate, which showed a black plastic frame bordering the plate, and partially obscuring the words "Empire State" along the bottom (11 Board Review). Lt. Bowman's BWC at 01:00, captures a black license plate frame bordering around \$57(2)(a)

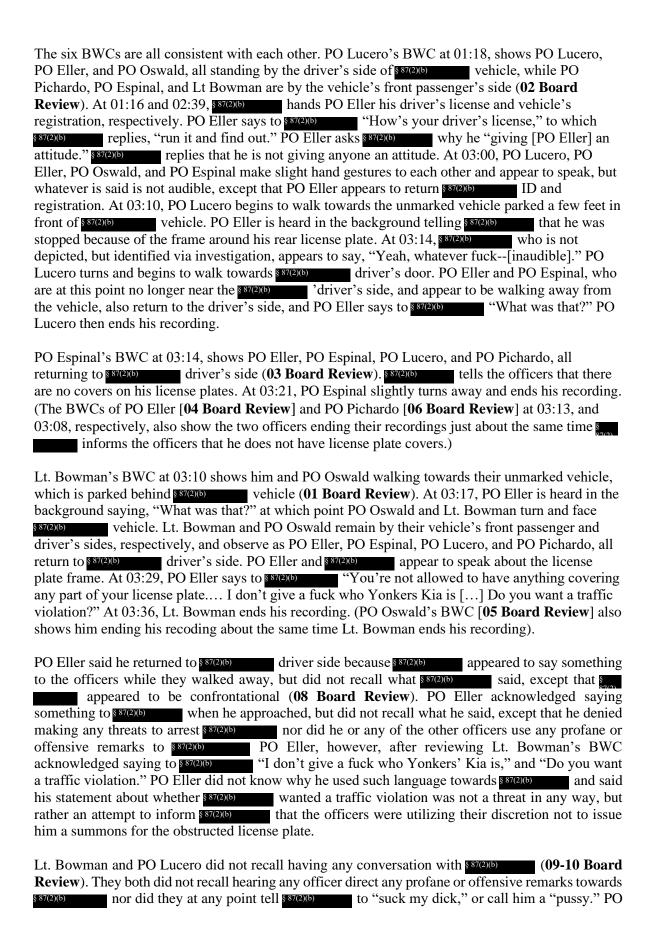
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rear license plate (01 Board Review). The vehicle's license plate number is visible, but the top and

bottom portions of the plate are not clearly visible.



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but Lt. Bowman said could have been arrested or summonsed for the obstructed license plate.
NYPD Patrol Guide 200-02 states that officers are to "maintain a higher standard of integrity than is generally expected of others," "respect the dignity of each individual," and "render services with courtesy and civility" (13 Board Review).
The BWC footage establishes that PO Eller, PO Lucero, PO Pichardo, and PO Espinal, all returned to \$87000 appeared to say something to the officers as they
initially walked away. §87(2)(2)
§ 87(2)(g), § 87(4-b) Lt. Bowman's BWC captured one instance where
PO Eller said to \$870,00 "I don't give a fuck who Yonkers Kia is." PO Eller did not know why he used such profanity towards \$870,00 \$870,00 \$870,00
I to December 2 DWC shows DO Eller saleing 1999
Lt. Bowman's BWC shows PO Eller asking \$\pi \pi \pi \pi \pi \pi \pi \pi \pi \pi
§ 87(2)(g), § 87(4-b)
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§ 87(2)(g), § 87(4-b)
Allegation (O) Other Possible Misconduct Noted: §87(2)(6)
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§ 87(2)(g), § 87(4-b)
<u> </u>
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§ 87(2)(g), § 87(4-b)			
3 01(2)(8), 3 01(4-0)			
	Civilian and	Officer CCRB Histories	
• PO Eller h	first CCRB complaint to whas been a member of service	has been a party (for four years and has been a subj	•
complaint	and one allegation, which wa	as not substantiated. § 87(2)(g)	
		vice for 16 years and has been a sun four were substantiated.	bject in 14 CCRB
pre		ted allegations of damaged proper aded Command Discipline and the	
o 20 Th	2000753 involved two subst	antiated allegations of failure to promand Discipline and the NYPD t	
O § 87	2)(g)		
		s of physical force and property da	amage and is still
	der investigation. 2204915 involves an allegati	on of force and is still under inves	stigation
		ce for six years and has been a sub	
complaints	and 16 allegations, one of v	which was substantiated	-
		ubstantiated allegation of discourte	esy. The Board
	commendation and The NYP 2200051 involves a frisk alle	egation and a search of a person al	legation and is still
un	der investigation.	-	
0 20	2204915 involves an allegati	on of physical force and is still un	der investigation.
	Mediation (Civil, and Criminal Histories	
 On August 	· · · · · · · · · · · · · · · · · · ·	o mediation and on August 16, 20	22, the case was
returned to	investigation as the complain	nt was no longer suitable for med	iation.
		ork City Office of the Comptroller	
	Claim being filed in regard to 1)(3)&(4)][§ 87(2)(6)]	this incident (18 Board Review)	
[3 01/5/(0)] [33 00/	1/(-)a(1)[[3 0 (2)(6)]		
Squad:	1		
Investigator	Coleson Smith	Inv. Coleson Smith	11/22/2022
Investigator:	Signature	Print Title & Name	Date

Squad Leader:	Enoch Sowah		11/22/2022	
_	Signature	Print Title & Name	Date	
Reviewer:				
	Signature	Print Title & Name	Date	